

111TH CONGRESS
2D SESSION

S. 1376

AN ACT

To restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “International Adoption
3 Simplification Act”.

4 **SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION**
5 **REQUIREMENT.**

6 Section 212(a)(1)(C)(ii) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by
8 striking “section 101(b)(1)(F),” and inserting “subpara-
9 graph (F) or (G) of section 101(b)(1);”.

10 **SEC. 3. SIBLING ADOPTIONS.**

11 Section 101(b)(1)(G) of the Immigration and Nation-
12 ality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as
13 follows:

14 “(G)(i) a child, younger than 16 years of
15 age at the time a petition is filed on the child’s
16 behalf to accord a classification as an imme-
17 diate relative under section 201(b), who has
18 been adopted in a foreign state that is a party
19 to the Convention on Protection of Children
20 and Co-operation in Respect of Intercountry
21 Adoption, done at The Hague on May 29,
22 1993, or who is emigrating from such a foreign
23 state to be adopted in the United States by a
24 United States citizen and spouse jointly or by
25 an unmarried United States citizen who is at
26 least 25 years of age, Provided, That—

1 “(I) the Secretary of Homeland Secu-
2 rity is satisfied that proper care will be
3 furnished the child if admitted to the
4 United States;

5 “(II) the child’s natural parents (or
6 parent, in the case of a child who has one
7 sole or surviving parent because of the
8 death or disappearance of, abandonment or
9 desertion by, the other parent), or other
10 persons or institutions that retain legal
11 custody of the child, have freely given their
12 written irrevocable consent to the termi-
13 nation of their legal relationship with the
14 child, and to the child’s emigration and
15 adoption;

16 “(III) in the case of a child having
17 two living natural parents, the natural par-
18 ents are incapable of providing proper care
19 for the child;

20 “(IV) the Secretary of Homeland Se-
21 curity is satisfied that the purpose of the
22 adoption is to form a bona fide parent-
23 child relationship, and the parent-child re-
24 lationship of the child and the natural par-
25 ents has been terminated (and in carrying

1 out both obligations under this subclause
2 the Secretary of Homeland Security may
3 consider whether there is a petition pend-
4 ing to confer immigrant status on one or
5 both of such natural parents); and

6 “(V) in the case of a child who has
7 not been adopted—

8 “(aa) the competent authority of
9 the foreign state has approved the
10 child’s emigration to the United
11 States for the purpose of adoption by
12 the prospective adoptive parent or
13 parents; and

14 “(bb) the prospective adoptive
15 parent or parents has or have com-
16 plied with any pre-adoption require-
17 ments of the child’s proposed resi-
18 dence; and

19 “(ii) except that no natural parent or prior
20 adoptive parent of any such child shall there-
21 after, by virtue of such parentage, be accorded
22 any right, privilege, or status under this chap-
23 ter; or

24 “(iii) subject to the same provisos as in
25 clauses (i) and (ii), a child who—

1 “(I) is a natural sibling of a child de-
2 scribed in clause (i), subparagraph (E)(i),
3 or subparagraph (F)(i);

4 “(II) was adopted abroad, or is com-
5 ing to the United States for adoption, by
6 the adoptive parent (or prospective adop-
7 tive parent) or parents of the sibling de-
8 scribed in clause (i), subparagraph (E)(i),
9 or subparagraph (F)(i); and

10 “(III) is otherwise described in clause
11 (i), except that the child is younger than
12 18 years of age at the time a petition is
13 filed on his or her behalf for classification
14 as an immediate relative under section
15 201(b).”.

16 **SEC. 4. EFFECTIVE DATE.**

17 (a) IN GENERAL.—Except as provided in subsection
18 (b), the amendments made by this Act shall take effect
19 on the date of the enactment of this Act.

20 (b) EXCEPTION.—An alien who is described in sec-
21 tion 101(b)(1)(G)(iii) of the Immigration and Nationality
22 Act, as added by section 3, and attained 18 years of age
23 on or after April 1, 2008, shall be deemed to meet the
24 age requirement specified in subclause (III) of such sec-
25 tion if a petition for classification of the alien as an imme-

- 1 date relative under section 201(b) of the Immigration and
- 2 Nationality Act (8 U.S.C. 1151(b)) is filed not later than
- 3 2 years after the date of the enactment of this Act.

Passed the Senate July 21, 2010.

Attest:

Secretary.

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